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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,281	10/31/2003	Kazuo Okada	SHO-0055	8441

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EXAMINER

RENDON, CHRISTIAN E

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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12/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,281	OKADA, KAZUO	
	Examiner	Art Unit	
	Christian E. Rendón	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7, 9-26, 32-34 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7, 9-26, 32-34 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/31/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 101***

Claim 24 is rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. The purpose of a display device is to present images to a person. However the claim limitation presents a display that will not allow a player to view the drawn symbol reels, therefore the display is inoperative since its purpose is not fulfilled and no useful task is performed.

Claim Rejections - 35 USC § 102/103

Claims 5, 7, 9-10, 13-15, 19-20, 24-25, 32, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticaptured by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Loose et al. (US 6,517,433 B2) in view of Weatherford et al. (US 4,206,920).

1. Regarding claims 7, 14, 19, 24 and 34, Loose discloses a slot machine comprising of multiple spinning reels and a video display (Loose: Abstract). "The video display provides a video image superimposed on the reels" (Loose: col. 1, lines 46-47), therefore the display is in front of the reels (Loose: fig. 2a, 14a). The video image complements the reel symbols by interacting with the reels with graphics, special effects, thematic scenery, and instructional information (Loose: col. 1, lines 48-50). The superimposed image highlights the winning combination and its associated payline by providing an effect that flashes or illuminates the payline or a portion of the reel (Loose: col. 4, lines 4-10). Furthermore, the appearance of the video image is adjustable in terms of transparency, translucency, or opacity depending on the purpose of the image (Loose: col. 5, lines 24-27).

2. Regarding claim 5, 10, 15 and 32, the disclosed gaming device contain various components that are mechanical like reels and electrical like a display device that requires power to perform the novel and useful outcome that earned the inventor a patent. Therefore the system contains a power supply that provides energy to the reels or a display device and an image display unit (Loose: fig. 2a, 14a) independently is inherently disclosed by the prior art.

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3. However, in case the Applicant still wants to argue the obviousness of the reference, please refer to this combination and the rationale before making any further arguments. Weatherford discloses the invention containing an emergency power supply comprising of relays used to ground a second energy source to provide current in the event of a power failure (Weatherford: col. 14, lines 27-36) or a blackout. Besides the loss of critical data, a sudden loss of power (blackout) can also create current spikes that can damage sensitive electrical components. Therefore an uninterruptible power system is a common design choice found in devices. A backup system also protects devices from brownout or a significant drop in voltage that can cause electric motors to malfunction.

4. Regarding claim 9, 13, 20, 25 and 36, the image or video display (Loose: fig. 2a, 14a) is disclosed as a part of the upper portion of the gaming device (Loose: fig. 1).

Claim Rejections - 35 USC § 103

Claims 6, 11, 16-17, 21-22, 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose in view of Weatherford and Yoseloff (US 6,299,170 B1).

5. The above description and limitations of the prior art combination of Loose and Weatherford is considered within this art rejection as well. After a power failure the art combination is silent about the possible measures an engineer of ordinary skill could implement to further lessen the damage. Regarding claims 6, 11, 16-17, 21 and 36, Yoseloff discloses saving image patterns in RAM in the event the main power supply shuts down (Yoseloff: col. 6, lines 8-12). In other words the invention disclosed by Yoseloff contains an image keeping device or RAM that detects an abnormal state (power failure). Furthermore, displaying a predetermined state or the last image is possible by using the data saved within the RAM and within the skill set of one having ordinary skill.

6. Regarding claims 22 and 26, the above description of the prior art is considered within this art rejection as well. The gaming device includes lamps (Loose: col. 5, lines 36-38) and a video display that can adjust an image in terms of transparency, translucency, or opacity (Loose: col. 5, lines 24-27).

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Through the use of these two components the device is able to produce different lighting situations based on the gaming state and the different states are used to guarantee that a player will view an image clearly (Loose: col. 5, lines 26-27).

Claims 12, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose in view of Weatherford, Yoseloff and in further view of Walker (US 2003/0224852 A1).

7. The above description and limitations of the prior art combination of Loose, Weatherford and Yoseloff is considered within this art rejection as well. Loose discloses the use of the video image as a means to modify a printed symbol (Loose: col. 4, lines 58-60). The video display is able to depict many forms of animation (Loose: col. 5, lines 1-23), for example a blanking symbol morphing or transforming into another symbol (Loose: col. 4, line 66-67 and col. 5, line 1). In terms of computer animation, the morphing of an object implies animation depicting an object changing its form and size in order to become the second object. However the reference fails to specifically state the images may undergo an enlarging process.

8. Regarding claim 12, 18 and 23, Walker discloses image processing technology in a gaming system that can change the enlarge a video feed or image of the player to see the player's excitement when he/she wins (Walker: par. 357, lines 11-16). Therefore one of ordinary skill could increase the excitement of the prior art by enlarging or magnifying a winning payline (Loose: fig. 6, 22c) through image processing technology.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

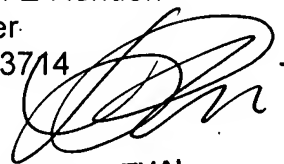
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CER

Christian E Rendón
Examiner
Art Unit 3714



XUAN M. THAI
SUPERVISORY PATENT EXAMINER